

WEDNESDAY

**REGULAR MEETING
7:00 P.M.**

JUNE 1, 2011

This Regular Meeting of Council was called to order on the above-stated date at the above-stated time after the Pledge of Allegiance and a Moment of Silence by President of Council Michael Cherepko with the following Members of Council present:

**RC-1 PRESENT: FAWN WALKER, MICHAEL CHEREPKO,
ALFRED J. TEDESCO, JR., DARRYL
SEGINA, DALE McCALL, LORETTA
DIGGS**

Council President Cherepko said he would like a moment of silence. He said he is sure most of them if not all of them are aware that they lost a colleague of theirs on Council, Richard Dellapenna, and not only was Rich a dedicated individual and gentleman that served this City as Fireman and Fire Chief, he also sat on this Council for the past ten years. He said they truly have lost a member of their family. He said please take a moment of silence for Richard Dellapenna.

Reverend Deborah Kociban of the First United Methodist Church led the prayer.

Also present were Mayor Regis McLaughlin, City Administrator Dennis Pittman and members of the Administration.

Mr. Cherepko said at this time he is going to ask for a motion from Council to approve Bruce Dice as their Solicitor.

**MOTION: Mr. McCall moved, seconded by Mr. Tedesco,
"To approve Bruce Dice as City Solicitor."**

COMMENTS:

- Mr. Segina said wait a minute here.

- Mayor McLaughlin said this is the Mayor's appointment with the advice and consent of Council.
- Mr. Segina said why does Bill #165 come before Bill #164.
- Mr. Cherepko said they did not really want it numbered ... yesterday when....
- Mr. Segina said they are numbered.
- Mr. Cherepko said they can approve that as a contract and bring him up here now. He said they can make a motion and let him sit in on the meeting. He said he is sure this is a contract.
- Mr. Segina said why is this second one being added to the Agenda too ... Special Counsel again.
- Mr. Cherepko said they are going to get off of that and move forward.
- Mr. Segina said get off of what.
- Mr. Cherepko said they are going to get off of everything that has been built over the City over the last couple of months.
- Mr. Segina said there is nothing being built up. He said we have
- Mr. Cherepko said they are a lot of negativity... so they are moving on.
- Mr. Segina said they have a Council ... this is an insult to the Attorney they are going to bring in here. He said they are going to pay him more than what Bruce Dice is making.
- Mr. Cherepko said no that was a flat rate and it was not hourly. He said he got no hourly rate.
- Mr. Segina said first of all they don't need Special Counsel. He said he thinks that is agreed upon.

- Mr. Cherepko said and they differ too much.
- Mr. Segina said he sat here and said they don't have \$5,000 to pay for an investigation but he is paying \$40,000 for Special Counsel. He said for what reason. He said he doesn't know what the reason is.
- Mr. Cherepko said they are not paying \$40,000. He said Jason worked for January and he worked for February and he was approved by Council.
- Mr. Segina said \$3,333.00 over 12 months is \$40,000.00. He said they are still paying \$3,333.00. He said this gentleman is giving them a fair rate of \$1,500.00 per month plus \$75.00 per hour.
- Mr. Cherepko said right.
- Mr. Segina said how can you do that and hire somebody as Special Counsel ... not the City Solicitor....
- Mr. Cherepko said well Darryl listen He said this was already decided upon.
- Mr. Segina said no, it was not decided upon.
- Mr. Cherepko said it was already decided on. He said they are not on this Bill right now.
- Mr. Segina said when was it decided.
- Mr. Cherepko said we voted in January.
- Mr. Segina said no, it was not decided then.
- Mr. Cherepko said yes it was.
- Mr. Segina said no, he is bringing it back up right now.
- Mr. Cherepko said no, they are not paying him the money that was owed then.

- Mr. Segina said Mike sat here and heard during the campaign and after from him and Mr. Brewster that now is the time to mend things.
- Mr. Cherepko said you know what Darryl, get off of it already. He said enough, enough.
- Mr. Segina said can he please speak on this.
- Mr. Cherepko said enough, they are not on this right now. He said Darryl is out of order.
- Mr. Segina said freedom of speech is gone in this town, he will say that much. He said especially with that gavel in Mike's hand.
- Mr. Cherepko said yeah, that's right.
- Mr. Segina said if this is any indication of how Mike is going to act as Mayor, they have a problem.
- Mr. Cherepko said Mr. Segina, I will tell you what, I sat here for five
- Mr. Segina said escort me out, who cares.
- Mr. Cherepko said he sat here for five months and everyone got to say whatever they wanted to say. He said he never stopped anyone from talking. He said because he did not want to....
- Mr. Segina said yes you did.
- Mr. Cherepko said he didn't want to get accused of being political.
- Mr. Segina said Mike did it last night.
- Mr. Cherepko said that was last night.
- Mr. Segina said Mike banged the gavel last night.

- Mr. Cherepko said that was last night and I said up until the campaign. He said it is over. He said they are moving on. He said Roll Call.

RC-2 YEAS: WALKER, CHEREPKO, TEDESCO, SEGINA,
McCALL, DIGGS 6

NAYS: NONE..... 0

- Mr. Cherepko said Mr. Dice can come up and take his seat.
- Mr. Dice said he brought two copies of the original for signatures.
- Mr. Cherepko said he just wanted to comment and as the Mayor mentioned, they went through the process to focus on the best interest of the City of McKeesport because that is what is important at this point. He said they need to move forward and the Mayor recommended Mr. Bruce Dice and they had the opportunity to meet with Mr. Dice last evening and he will be serving as our Solicitor.
- Mr. Segina said excuse me, he thought that was an amendment to the Agenda that they were voting on. He said is that true.
- Mr. Cherepko said they moved to
- Mr. Segina said they moved to approve the amendment to the Agenda, right. He said they have to do that first and in that particular case, he was voting no on Amending the Agenda.
- Mr. Cherepko said that was a motion to appoint Mr. Dice as Solicitor and they will then later make a motion to approve the Resolution that would approve his contract and to enter into an agreement with him. He said at this point, they talked last evening and he thinks it was a consensus of everyone that they wanted Mr. Dice to sit in on this meeting.
- Mr. Segina said he doesn't have a problem with that. He said he was just saying he thought this was a vote for the

Amendment to the Agenda. He said they would have to amend the Agenda first. He said is he speaking out of turn.

- Mr. Dice said he heard the motion to appoint Bruce Dice and Associates and there was a second. He said he would agree with him generally that there would be an adding to the Agenda and that is how they start out with it but this motion took precedence over that as far as he is concerned. He said they now voted to do that. He said it should have been two steps but because it is not, it makes no difference.
- Mr. Segina said in that case, he would like to change his NO vote to a YES.

APPROVAL OF MINUTES:

MOTION: **Ms. Diggs moved, seconded by Ms. Walker, "To approve the minutes for the Regular Meeting of Council on May 4, 2011."**

RC-3	YEAS:	WALKER, CHEREPKO, TEDESCO, SEGINA, McCALL, DIGGS	6
	NAYS:	NONE.....	0

COMMUNICATIONS:

- Received the McKeesport Weed and Seed Initiative Activity Report for the month of April 2011.
- Received a copy of a letter sent by Dennis Pittman, City Administrator, to Kenneth Fiore, Picadio Sneath Miller & Norton, P.C., RE: Plavchak Construction, Renzie Park Improvements.

- Received an invitation to attend a Flag Day Service on Saturday, June 11, 2011 at 1:00 at the Palisades in McKeesport.
- Received a letter from the Commonwealth of Pennsylvania, Department of Transportation, RE: Payment in the amount of \$13,984.67 for our severe winter adjustment. This is in addition to the contract.
- Received a copy of a letter that was sent by David I. L. Sunstein, President of Pennsylvania Coach Lines, Inc., to the Redevelopment Authority of the City of McKeesport.
- Mr. Pittman said he would like to read this letter in its entirety if that would be alright. He said this is a copy of a letter dated May 25, and it is addressed to the Redevelopment Authority through its Chairman Harry Walsh. He then proceeded to read the contents of the letter:
- *Dear Mr. Walsh:*

*CONGRATULATIONS! You are the proverbial straw that broke the camel's back. I have been contemplating moving to a larger facility **out of the city**, and you have helped me make up my mind.*

First of all, there NEVER was any "mutually exclusive development scenario" where I was to divest myself of a blighted warehouse at Windsor and Artic to use the proceeds to purchase/reimburse RACM for their development. I sold the warehouse because I wanted to sell it, and not for the purpose of acquiring the RACM properties. They were two mutually exclusive events.

Secondly, the use of the lots was facilitated by former Mayor Brewster to alleviate the ongoing complaints from Tenth Ward residents regarding parking problems. I invested thousands of MY dollars to level the lots, fill and pack the lots with gravel and plow them during the

winter months. I did this all at my own expense, costing McKeesport – NOTHING! I did this to try and help make peace in Tenth Ward, to be a good neighbor.

To think that RACM now wants to convert this property to a "lease only" lot is astounding. I personally have no need for this lot. I will just tell my employees to go back to parking on the street, and let the neighbors fend for themselves. I will let all of my employees, and all of the Tenth Ward residents know who reconstituted the parking problem – RACM.

I believe we are the second largest employer in McKeesport, and we are unappreciated. You should be calling me and asking me "what can we do to help you," not making it more inconvenient for my employees to find a parking space. I don't believe Donald Trump, or for that matter, anybody else is clamoring for those lots in the Tenth Ward, or for that fact, anywhere else in McKeesport! I have had unsolicited calls from two local municipalities wanting to know if I would be interested in relocating my operations to their locale. As I stated above, YOU have helped me make that decision. McKeesport is not in my, or my 350+ employee's future. I will relocate to where I am appreciated, where 350+ jobs are appreciated.

Again, thank you for helping me make this most difficult decision.

Sincerely, David I. L. Sunstein, President.

- Mr. Pittman said he would just like this Council and the public to know ... and he sees from the Tenth Ward, Mr. Robinson sitting back there, that this company was embraced by the City when they came here, bought a former lumber company and recognized that immediately they had a problem of taking care of both their busses and their employee parking. He said the

Redevelopment Authority in this City invested over \$30,000 to create off-street parking to help Mr. Sunstein's situation. He said Mr. Sunstein never followed through with the agreements and they have a folder this big about that correspondence. He said he did have a warehouse that was located at Windsor and Artic, a warehouse that had been condemned by the Building Inspector. He said Dale may remember that. He said that was a warehouse, ladies and gentlemen, that he did nothing to improve, nothing to move on, until States Tire made him an offer. He said he finds this letter to Mr. Walsh as offensive as it can be. He said they have residents in their City that work in the downtown, they pay a \$1.00 a day to park in the parking garages. He said they have residents in this City, good people who work with the bus company and Mr. Sunstein doesn't see fit to pay \$1.00 a day to park on a lot to help reimburse the investment this City made. He said Mr. Sunstein has a contract with the McKeesport Area School District for ten years and over \$2 million a year. He said he thinks they can do that math. He said it is absolutely offensive to him to think that Mr. Sunstein's company that earns that kind of money ... and by the way, if he can tell them, has applied for full exemption on all his earnings and his business privilege tax and said they only money they get from him is the money he gives them, \$52.00 a year from his employees. He said well guess what folks, that \$52.00 comes out of his employee's pays and he is not paying a thing and that record needs to be straight.

- Mr. Segina said Chief since they got this threat of parking down there, do they have any yellow paint in their traffic department so they can go down there and review the parking patterns down there and possibly apply some yellow paint to these lines. He said he dealt with this gentleman before and he is very obstinate. He said to think that he would not even pay taxes after all

they have done to embrace him in this City personally, he thinks it is an affront to the City of McKeesport. He said to tell them the truth, he wishes he would move out of McKeesport. He said it will be a happy day for all of them.

- Mayor McLaughlin said he thinks that is a situation, B.J., until it happens. He said he thinks the residents in Tenth Ward and that area should get some parking passes and they will be the only ones that will be allowed to park in front of their houses.
- Mr. Segina said he thinks they should review everything based on the threat that he made. He said he is not saying go gung ho and start laying down yellow paint but he is sure that they can make it at least livable for the residents down there to park their cars and be close to their homes.
- Received a copy of a letter that was sent by Dennis Pittman, Chairman of the McKeesport Industrial Development Authority, to Gail Wagner, Program Manager, Pennsylvania Department of Community and Economic Development, RE: 2010 Annual Report of Industrial Development Authorities.
- Received a monthly report from the McKeesport Palisades.
- Received an invitation for the Blessing of the Rivers, Boats, City and People. That is being held on June 18, 2011 at 9:45 a.m. All of Council and anyone else who wants to attend is invited and there are flyers up in front of the Council Chambers.

MAYOR'S REPORT:

- Mayor McLaughlin said he does not have very much to report this meeting. He said the Municipal Authority opened their bids last week and they awarded six bids in projects totaling

over \$53 million. He said the project is supposed to start in mid- to late July. He said that will be the renovations to the Municipal Authority.

- Mayor McLaughlin said Good Neighbor Day will be Thursday, June 16. He said the City Sunday Summer Concerts will start June 6 and on Monday the CEO from Eat 'N Park is supposed to bring his plans in to City Hall to show them the new renovations of the Eat N Park Restaurant. He said also the garden at the Duquesne Bridge is now planted. He said the Western Pennsylvania Conservancy came and in and did it. He said it is completed. He said that is all he has.

COUNCIL REPORTS:

- Mr. Tedesco said once again he would like to send his condolences out to the Dellapenna family. He said he has known Rich almost his entire life and can remember going over to his house with his parents when he was a kid. He said it was a pleasure serving on Council with Rich and he is looking forward to seeing his son next year, hopefully soon. He said his heart goes out to that family once again.
- Ms. Walker said she also wants to offer her condolences to the Dellapenna family. She said she doesn't know about anyone else but this has affected her, losing a colleague that last month was sitting right here and now he is not here. She said she hopes that all her other colleagues recognize that they are here to do what is right for the City and right for the people and move on in a more positive manner. She said you never know when God calls your ticket up or when things are going to occur. She said one thing that she wanted to bring up to the Mayor is if there is any way possible that they can fix the playground in Renzie. She said can RAD money be used for that.
- Mayor McLaughlin said RAD money can be used for that.

- Ms. Walker said is that something they can do like add swings or repair what needs to be repaired.
- Mayor McLaughlin said he told the Assistant Public Works Director to go out and look at it today and see what they needed. He said he has not talked to him about it yet. He said he had a complaint about coming down a slide and that the concrete was a little jaggy.
- Ms. Walker said yes it sits right there.
- Mayor McLaughlin said he talked to the Assistant Public Works Director and he is going to go out and see what they needed.
- Ms. Walker said she knows that last month they were talking about looking at houses that need to be torn down.
- Mayor McLaughlin said they are in the process of doing that.
- Ms. Walker said there are a couple of houses on the 1800 block of Butler Street that definitely need to be placed on the list. She said there are like ten of them. She said she will give them the addresses for them.
- Mayor McLaughlin said there are some streets that have 15 houses on them.
- Ms. Walker said this one is on the 1800 block of Butler, and there are about ten of them. She said maybe he could take a ride and he will see all the houses. She said she just wanted to bring that up and see if it can be put on the list.
- Mr. Tedesco said he would like to piggyback on what Fawn is talking about. He said there are two houses that he thinks they should look at right across from Centennial School. He said he is sure she sees it every

day coming in. He said those houses in school areas, he thinks they really should look at first and foremost. He said there is another house that sits on Cornell and Bailey. He said there is a new school coming in there and he thinks they should at least try to make the area look presentable with a new school.

- Mayor McLaughlin said the one that sits on the corner. He said he was under the impression that the school board was going to tear it down.
- Mr. Cherepko said are they talking about the one that was renovated and then it caught fire.
- Mayor McLaughlin said yes, the one that caught fire.
- Mr. Cherepko said he doesn't believe the school district is going to do anything about that, it might be something they need to look into. He said he thought they actually already contacted the Mayor about that. He said he is sure they probably did
- Mayor McLaughlin said no, they did not.
- Mr. Cherepko said he knows that he was told about that too, especially if they are putting a \$26 million facility there.
- Mayor McLaughlin said he agrees 100%.
- Mr. Cherepko said they wiped out those across the street on Bailey and that one is on the corner on Bailey also, on the corner of Cornell and Bailey.
- Mr. Tedesco said the one on Union is a safety matter with that being so close to the elementary school.
- Mr. Segina said in reference to that, he saw those two homes himself and rather than tear them down, can they first have an inspection of those two just to make sure they can't be restored. He said they are two beautiful homes and that

particular area, those homes will never be duplicated so once they take them down, no one else will build a home like those. He said just as a matter of routine, he thinks perhaps Mr. Haughey could take a run up there and see if there is any chance to restore them. He said he doesn't know if there is or not and they do look bad, but if not they have to be torn down. He said he sure would like to see them restored. He said if they are going to be, perhaps some kind of funds could be found somewhere maybe even the funds that they were going to use to demolish those homes could be used toward restoring them if that is a possibility. He said he doesn't know. He said the second point he wants to make is that anytime they have a death like they had of their colleague here, it was very shocking because it was so sudden and there was no illness that they knew of. He said because it was so sudden it deeply saddened all of them he is sure. He said he would like to make a motion though that they keep this seat vacant during this meeting and this month in honor of Mr. Dellapenna and he nominates Richard Dellapenna Jr. to be the next Councilman to replace him effective July 1.

MOTION: **Mr. Segina moved, seconded by Mr. Tedesco, "To keep the seat vacant until July and appoint Richard Dellapenna Jr. to fill the vacancy beginning July 1."**

COMMENTS:

- Mr. Cherepko said as they talked last evening, he thinks it is very fitting and more than fitting and it is appropriate because it is only for six months. He said for those who do not know, Rich Dellapenna's term was up at the end of this year and it is something that was unanimously agreed to here. He said when he talked to young Rich about it, he was very emotional and it was something ... he got back to him actually just yesterday. He said he just threw it out there at him and told him to let him know after he thought about it.

He said Rich said it was something he really wanted to do and would truly feel honored.

- Mayor McLaughlin said he talked to young Rich today also and he thanked everyone for their concerns and offering him the seat of his dad.
- Mr. Segina said this is not politically motivated by the way. He said this is strictly in honor of Rich Dellapenna and because his son came in as a winner according to the past election, even though he came in second or third, it is only fitting that they do present him with this chair for the next six months.
- Mr. Cherepko said just to elaborate on that, a couple of the other gentlemen who actually ran and won a seat also for the upcoming January, Keith Soles and Dan Carr, were both totally supportive of this. He said they felt that Rich Dellapenna was the man to put in there. He said he wanted to put that on the record.

RC-4 YEAS: WALKER, CHEREPKO, TEDESCO, SEGINA,
 McCALL, DIGGS 6

 NAYS: NONE..... 0

- Mr. McCall said his condolences go out to the Dellapenna family. He said Rich has been a good colleague for all of them up here. He said Rich had a knack to get things straightened out when they were going a little haywire. He said he also had a good sense of humor. He said he will be missed. He said he also just talked to the Chief and the trailer is going to be going up in Grandview.
 - Chief Washowich said yes sir.
 - Mr. McCall said that is all he has.

- Ms. Diggs said that Rich was a very quiet man and she didn't know how deep he was until she got ill at Seven Springs the year before last and he drove her home because he was going there to get his wife. She said they talked and they talked and she just could not believe this man. She said it seemed funny but he knew his day was coming soon. She said she believes he knew it and it is ironic that his son got elected and it is only fitting that he take his place.
 - Mayor McLaughlin said God works in funny ways.
 - Ms. Diggs said absolutely.
- Mayor McLaughlin said in his report he forgot to have Chief Washowich give his report. He said can they do that now. He said he was sorry, Mike still has to do his, he should do his now.
- Mr. Cherepko said he just has a couple of things and just to reiterate what they said and what he said earlier for the moment of silence. He said they are a family up there and to be quite honest, they lost a family member. He said just like any other family, at times they look quite dysfunctional but he thinks everyone on this Council truly loves the City, truly cares about the City and works hard for it. He said it is very sad but having young Rich on there, at least his father got to see him be elected and he knows he is looking down on Richie for sure. He said he is truly going to be missed. He said he has two quick things. He said Friday, June 3, is the D.A.R.E. graduation for the 5th grade, Lieutenant LoPretto serves as Officer Joe, for the Drugs and Alcohol Awareness Program. He said the graduation ceremony is this Friday at 9:45 a.m. so if anyone can attend, it would be appreciated. He said they get their awards and a certificate and go through a field day. He said there is no need to stay all day long but they should at least come out and show their support. He said the last thing he has is that there will be Salute to a Hero at the Palisades. He said it is a fundraiser in memory of Officer Kusak, the Clairton Police Officer. He said it is an Oldies

Dance with lots of live bands, including Pure Gold, Chuck Corby and Quiet Storm, The Holidays, Freddie Johnson, Street Lights, The Igniters, and Michelle Benson. He said these are all groups that are performing at no cost. He said it should be a nice big fundraiser with all kinds of Chinese Auctions and that sort of thing. He said tickets are available for \$20.00 per person and \$35.00 per couple. He said that starts at 2:00 p.m. this Sunday, June 5. He said that concludes his report. He asked the Police Chief to come up and give his report.

- Police Chief Washowich said the Police Department responded to 2,109 calls during the month of May. He said they executed 198 arrests, issued 123 traffic citations, orange-tagged 31 vehicles and 9 of those were towed as result of the orange tag violation. He said they issued 2 handicap parking signs and 400 parking tags. He said they responded to 4 robberies, 31 burglaries, 41 thefts over \$50, and 33 criminal mischiefs. He said some of their activities include on May 18, Chief Lust and he attended the Auberle Culinary Arts Banquet Ceremony. He said on May 19, the Police and Fire Department Rescue Service attended a DUI Prom Promise at the High School. He said on May 21 they attended the Men's Breakfast Club at Central Presbyterian Church and also attended the Grandview Task Force Cleanup Day. On May 25, through an initiative spearheaded by Councilwoman Fawn Walker, they were able to go into the High School and present classroom literature on what to do when stopped by the Police. He said he wanted to thank Councilwoman Fawn Walker for that initiative. He said he hears it was extremely successful. He said they have the Adult Police Academy starting tomorrow night at Beulah Park Church. He said on June 14 they start the Junior Police Academy and that will be at the Salvation Army. He said some of the Bike Rodeo Days are going to be June 16 at Harrison Village, June 23 at Crawford Village, and June 30 in Grandview at the Beulah Park Church. He said those are from 1:00 to 2:30 p.m. He said on June 16, they have a huge summit scheduled at Bethlehem Baptist Church, which is where they talk to the

kids about issues that they may have approaching police ... open dialogue concerning anything that has to do with Community Police Relations. He said that is all he has and he also has a Commendation Letter he would like to read concerning an action by Lieutenant Glenn Lynn. He said they also have a Proclamation that the Mayor wants to present to him. He said are there any questions before they do that.

- Mr. Segina said is there a concerted effort to remove abandoned vehicles in the City. He said he sees there are quite a few of them all around town and he has had complaints about them.
- Chief Washowich said if he would give him a list of the make, model and location of the vehicle, he will see to it that if it is in violation of an ordinance, they will orange tag it.
- Mr. Segina said is the Chief aware of the problem they had in Baker Alley with a tractor trailer parked up there on weekends.
- Chief Washowich said he is sorry, what is the address?
- Mr. Segina said it is Baker Alley off of 28th Street.
- Chief Washowich said he was not aware of that.
- Mr. Segina said it is Rockwood and 28th, it is Baker Alley behind there. He said he will talk to the Chief about it later.
- Chief said okay and asked if there were any other questions. He said he would like to read the Commendation for Lieutenant Glenn Lynn. He read the following:

"On May 6, 2011, at approximately 1013 hours, you were on routine patrol in the area of Jenny Lind Street when you noticed a concentrated area of smoke. You

investigated and discovered a motorcycle on fire in the driveway of 1910 Riverview Street, McKeesport. This fire began to engulf the entire home with incredible speed and fury. You immediately took action requesting fire assistance and locating any victims inside of the home. Your search of the home discovered a 63 year old female who was unaware of the fire and you evacuated her safely. This victim advised you that her 71 year old husband was in the shower in the basement. You immediately located him and made a safe evacuation. Glenn, I personally witnessed the speed and rage of this fire and without question, you are responsible for saving the lives of these two victims. I, professionally and personally, would like to commend you for your courageous actions you took this day in our fight for protecting life and property."

- Mayor McLaughlin said he wanted to let them know that it was an honor to read this for Mr. Glenn Lynn and he read:

Proclamation – Lieutenant Glenn Lynn Recognition

WHEREAS, Congratulations and citations are in order for Lieutenant Glenn Lynn's quick thinking and action in alerting Frank and Margaret Gregory to a fire at their residence at 1910 Riverview Avenue on May 10, 2011; and

WHEREAS, a catastrophe was avoided because of the quick response to potential danger and knowledge of lifesaving demonstrated by Lieutenant Glenn Lynn; and

WHEREAS, this courageous action in averting what could have been a tragic loss to family, friends and community was an act of heroism which deserves special recognition by the governing body of this City;

NOW, THEREFORE BE IT RESOLVED that the sincere appreciation of the Mayor, City Council, City Administration and all the citizens at large of our City are hereby extended to Lieutenant Glenn Lynn for his heroic action.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this first day of June in the Year of Our Lord 2011.

- Chief Washowich said Mrs. Gregory would like to address Council if possible.
- Mrs. Gregory said she can't thank Lieutenant Lynn enough. She said was really, really worried about her husband, Frank. She said Lieutenant Lynn called and responded so quickly, it was a shock to see him because he was there so fast. She said she was frantic of course and he made sure she was safe and told her to stay outside and then he went back in and got her husband out. She said she would also like to thank the Fire Department for their quick response as well. She said they came and made sure the fire was out so that they can repair their house and it will not have to be torn down. She said she just wanted to say thank you to the Police Department and the Fire Department. She said they did their job above and beyond the call of duty.

CITIZENS IN THE AUDIENCE:

Mr. Cherepko said there is one citizen who wishes to speak this evening, Nancy Price. He said he would like her to come forward, state her name and address for the record please.

NANCY PRICE, 1817 EATON STREET, McKEESPORT, PA

15132. Ms. Price said there is house at 1819 Eaton Street that has been vacant for approximately seven years and is in very bad condition. She said it is within 40 inches of her home. She said the windows are broken, there are holes in the roof, animals make

their way to the basement, there is a seriously existing lead condition and now an overgrown yard, and this house is a hazard to the community. She said there has been cooperation from the City to service the house against rat invasion and to secure the back to eliminate further entry by unwanted intruders. She said she had requested and a change was made to have the house removed from the Homestead Act which gave protection from taxes being due. She said other taxes have not been paid which indicates no interest of the owners to return. She said her information is that they are unable to care for themselves in their home and are now living in an assisted living facility. She said over the past several months, her home has been serviced by the Steel Valley OIC Weatherization Program and significant improvements have been made. She said along with this, employees of the McKeesport Housing Corporation have worked with her efficiently and extensively providing the means to upgrade her home. She said the contractor and the workers also have been very thorough in completing these improvements. She said with these investments made through the City program and my responsibilities, she now has a safe and beautiful home. She said future plans for her are to purchase the vacant property which will be next to her house and to maintain it to improve their neighborhood. She said she would appreciate their attention to this matter by placing this vacant house at 1819 Eaton Street on the demolition list to permit the procedure to continue for removal when funds are available. She said thank you for giving her the opportunity to express her concerns.

- Mr. Pittman said does Ms. Price have a mailing address for the owners who are in assisted living.
- Ms. Price said no she does not, she has tried to get it and cannot.
- Mayor McLaughlin said does she have a name.
- Ms. Price said it is George and Victoria Harpish. She said she did see Mr. Harpish in Kane Hospital Nursing Center at one

point and then they moved him to a facility near Pittsburgh to be closer to his family.

- Mayor McLaughlin said he knows George personally and he is somewhere in the Veteran's Hospital.
- Ms. Price said his wife was not with him at that time so she doesn't know where she lives. She said they have been gone a long time.
- Mr. Pittman said thank you.
- Mr. Segina said if he could just add to the comments there. He said he has talked about Senate Bill 900 being passed back in January and being effective in April. He said he thinks certain efforts should be made to go after these abandoned homes and delinquent taxpayers so that before they catch fire like happened up on Pirl Street just yesterday, that they could get after these delinquent taxpayers before that and go after any assets they have or properties by utilizing Senate Bill 900. He said this is one of the most important pieces of legislation to come from the State that will affect the City of McKeesport. He said they get a lot of homes that are ready to be torn down but they don't have the means to do that. He said that is why they should be going after these owners first to make sure if there is any demolition cost, it is taken back to the owners and they can attach to their estates or their properties. He said he thinks the time has come that they start this process right away utilizing their three code enforcement officers and their building inspector to first of all stem the tide of these abandoned buildings being caught fire and also the number of homes they have in the City that have to be torn down. He said the landlords come in, take the money out of them and then when the tenants move out they abandon them. He said they made their money and are done with it and go on to the next house. He said it is probably in McKeesport too. He said there are many homes being bought through the internet and are sight unseen. He said it is time they start that process and get themselves in order as far as

these buildings go. He said they have a very, very serious problem. He said next to the budget, this is probably the most important problem they have in this town.

- Mr. Cherepko said he couldn't agree with Mr. Segina more. He said they could even take this a step further because they also have a landlord tenant ordinance where they could actually start holding the landlords responsible for the behaviors of their tenants and the things that go on there.
- Mr. Segina said those go hand in hand.
- Mr. Cherepko said absolutely they do.
- Mr. Segina said Senate Bill 900 gives them the teeth to pursue those obligations against these guys and make these homes more suitable. He said they can either tear them down and charge them to alleviate the cost to the City. He said and of course the probability that eventually they will burn down.
- Mayor McLaughlin said he thinks the Senate Bill has more to look into because the Landlord Tenant Act which they had in place ... he thinks there is a Landlord that took them to Court already and he doesn't know if they got anything done with that. He said they already have the City in Court on that.
- Mr. Segina said he thinks Bill Kortz has some information on that where a person can come in and speak to the City and advise them what their rights are and what they can do under the current law that was implemented. He said if not, the Local Government Academy would have that information also. He said this would be a big help to all of them. He said if they have their Code Enforcement Officers and Building Inspector know the rules and know the laws that have been set forth and start going after these people, he thinks they will all be better for it. He said he understands the plight this lady has up there and he doesn't know how she is getting her house insured being 40 inches away. He said there is one up on

Park Street too next to Myer Spector and it has been vacant for 20 years. He said the guy shot his wife while she was on the phone thinking she was talking to a boyfriend and then shot himself in the head. He said it has been empty for 20 years and never been taken down. He said it is indeed a big problem in our town and he hopes it can be remedied immediately. He said thank you for the time.

TABLED BILLS:

BILL #160: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ALLEGHENY FOR THE REHABILITATION OF THE MANSFIELD BRIDGE.

Bill #160 will remain on the Table.

Mr. Pittman said this Bill will stay on the Table and they will be closing the contract for West Fifth Avenue out this month. He said Bethany Bauer is completing the close out report and for those who have traveled the Bridge, they can see that they are beginning to do some of the preparatory work so they can go out to bid. He said they will get information for this Council and the Solicitor so they can meet with Allegheny County on that pro rata share by the time they go out to bid in the early fall.

BILL #152: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AWARDING A ONE TIME GRANT ALLOCATION FOR THE JAMES R. BREWSTER GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED \$40,962.31.

Mr. Cherepko said this was the Bill they discussed last evening and in the meantime he has had the chance ... has talked to Mike Adams who gave him a legal opinion on that and it seemed to be that there was actually nothing wrong with this. He said as a

matter of fact they already voted for it and it has already been appropriated through the budget. He said there were questions at the very beginning of whether he was entitled to the money and a question on what the City Administrator was making in regards to where he was being paid from. He said it is his understanding that these questions were clarified. He said they have a Solicitor with them now so if anyone wants to ask any questions. He said his recommendation to Council is going to be to pull this off the Table and vote on it which is not even necessary. He said he was told by the Attorney that it is not even necessary. He said they have already approved it because it was in the budget and there is no need to vote on it now. He said he thinks they should just go ahead, pull it off and vote on it anyway and put an exclamation point on it.

- Mr. Segina said first of all he doesn't know who Michael Adams is but he is not affiliated with the City at all. He said he doesn't know why he would quote him for a legal opinion. He said they decided they would talk to Mr. Dice on this and let him render a legal opinion in writing to this Council. He said whatever he says in regard to this, then they have to abide by it. He said any outside Counsel, he doesn't think ... is rendered moot as far as he is concerned. He said would Mr. Dice look into this and render an opinion for them.
- Mr. Dice said he certainly will. He said if they want to give him the facts now ... he has done this before.
- Mr. Segina said he thinks ... he doesn't like to discuss that here and he thinks it should be done in private.
- Mr. Tedesco said he is saying that it should not be off the cuff either.
- Mr. Segina said they will be dragging this thing on and on. He said he should be able to draft a legal opinion after he gathers his facts. He said a legal opinion should be given to all of City Council.

- Mr. McCall said they should pull it off the Table and vote on it.
- Mr. Cherepko said he is just looking at this as they have had some things hanging over their head for a few months and he is trying to get these things
- Mr. Segina said he doesn't think another thirty days, Mr. Cherepko, is going to hurt anything. He said they just hired a solicitor.
- Mr. Cherepko said it has already been 150 days.
- Mr. Segina said they just hired a solicitor and he thinks they should listen to what he says.
- Mr. Cherepko said he thinks they should break off into Executive Session since it is a personnel issue and discuss this and address this within that session.
- Mr. Segina said he doesn't see it as a personnel issue really.
- Mr. Cherepko said well it is a personnel issue really.
- Mr. Segina said well that is your interpretation and that is why they have a City Solicitor. He said so he can render a decision on this. He said it is within 30 days and they can have a decision for the July meeting. He said what is the rush on this.
- Mr. McCall said Mr. Segina asked for an opinion and Mr. Cherepko got him an opinion from an Attorney and you were right.
- Mr. Segina said who is Michael Adams.
- Mr. Cherepko said Mr. Segina who were they going to go to
- Mr. McCall said he wanted an outside opinion.

- Mr. Segina said they appointed a Solicitor here. He said why not go by what he renders.
- Mr. Cherepko said then let's go into the back and talk about this. He said he is looking to get this done. He said he wants this done. He said some of us are just driving on controversy, it is time for the City just to move forward. He said it is time to get these things behind us.
- Mr. Segina said they can move forward with the opinion of Mr. Dice. He said he is our City Solicitor.
- Mr. Cherepko said do you know what.
- Mr. Segina said are you afraid of his opinion, Mr. Cherepko.
- Mr. Cherepko said no, we will go in the back right now and get his opinion.
- Mr. Segina said he doesn't think they have time go over this whole thing
- Mr. Cherepko said he has no problem with that
- Mr. Segina said ... and hold this audience captive while we are back there debating this.
- Mr. Cherepko said my problem right now is ... my problem right now is that not only did they have a former Mayor who deferred his compensation, then he takes a step further and instead of taking the compensation, he decides to donate it to 27 local organizations who are waiting for this money. He said he doesn't know about Darryl but enough is enough. He said when he was out campaigning he kept running into people who were asking when is the money coming, when is the money coming. He said first of all it has already been passed, there is nothing to even argue. He said this was passed in the budget as an Ordinance at even a much higher rate and now they are even going through less thanks to Mr. Malinchak who came up with that idea who said that he would

cheerfully sign the checks if they went that route. He said he just thinks enough is enough. He said they need to get through this and it is a fresh start. He said they have Mr. Dice here, Mr. McLaughlin, the Administration, Council and they need to just start focusing on moving ahead and this stuff hanging over their heads ... they have this and other issues. He said the controversy is enough ... it does not do anything good for our City. He said they are trying to bring businesses in and all they get is they get publicity one day after another ... every time after a Council meeting about this one is fighting with this one and this one is fighting with that one. He said who would want to come to our City. He said they have to change that image. He said enough is enough.

- Mr. Tedesco said Mr. President.
- Mr. Cherepko said yes sir.
- Mr. Tedesco said this Council has not received a legal opinion from a lawyer. He said Mr. Cherepko may have but this Council did not. He said he also does not believe that it is fair to Mr. Dice to put him on the spot to render a legal opinion on such a complex matter in maybe 15 or 20 minutes in the backroom. He said let's give him time to look it over and come up with a legal opinion.
- Mr. Cherepko said his problem with that is that it isn't such a complex matter ... there is nothing complex ... it has already been passed.
- Mr. Tedesco said it is certainly complex.
- Mr. Cherepko said but it has been passed.
- Mr. Segina said they had a resolution and they should get a legal opinion. He said he assumed that was going to be from their solicitor. He said that is where it should come from, not someone Mike called up who was his friend and is an attorney and got his opinion and he will go with it.

- Mr. McCall said actually Mr. Adams called the Mayor and the Controller.
- Mr. Cherepko said he called Mr. Adams because he was informed last evening that he spoke with Mr. Malinchak.
- Mr. Segina said Council is the one that passes the Resolution.
- Mr. Malinchak said Mr. President, when he spoke with Mr. Adams, and again, he agrees with Mr. Tedesco, that it is not fair to Mr. Dice because this is complex. He said he sent him every letter that he wrote and he gave him the entire letter. He said also he asked him another question and that was if there were any other outstanding matters and he said yes there were. He said he then brought up the monument situation. He said the attorney asked him that question, whether there were any other outstanding matters and he responded to that. He said based on all that, he thinks that to be fair to Mr. Dice, he should be able to have all the background information because there is no way in the world they should expect him to come up with a decision instantaneously.
- Mr. Cherepko said he is going to ask for a motion to pull it off the Table and vote on it. He said if they want to sit here and vote no to the 27 local charities that are waiting on this money, then feel free to do it.
- Mr. Segina said Mr. Cherepko, he thinks that he is putting guilt on them.
- Mr. Cherepko said he is just
- Mr. Segina said that is not right for him to do that either.
- Mr. Cherepko said Mr. Brewster promised this money in January
- Mr. Segina said there is a question as to the legality of this resolution....

- Mr. Cherepko said it is already passed, the legality
- Mr. Segina said no it is not passed, because they said they wanted a legal opinion.
- Mr. Cherepko said, but they already passed it on the
- Mr. Segina said 7-0 said let's go and get a legal opinion.
- Mr. Cherepko said he has a solution. He said Mr. Dice if they pass this on an Ordinance is there really even any reason why they have to pass this again.
- Mr. Dice said given his fact situation no.
- Mr. Cherepko said it was passed as part of their budget in an Ordinance as part of their budget.
- Mr. Tedesco said not the distribution of the money.
- Mr. Cherepko said not the distribution but the money.
- Mr. Dice said he wants to see if he gets the drift of this. He said Mr. Brewster earned some money, he deferred that money.
- Mr. Cherepko said yes, he was owed....
- Mr. Segina said no, no, no ... he did not defer this money.
- Ms. Diggs said yes he did.
- Mr. Segina said will you let him speak.
- Mr. McCall said no because Mr. Segina is making an idiot out of himself here.
- Mr. Dice said he will make it more simple than that. Does everyone agree that Mayor Brewster earned the money.
- Mr. Segina said no.
- Mr. Malinchak said no.

- Mr. Cherepko said based on the Charter, it says that the Mayor is to make 5% more than the City Administrator. He said the City Administrator made roughly \$67,000.
- Mr. Segina said he made \$57,000.
- Mr. Cherepko said there was \$10,000
- Mr. Segina said he made \$57,000.
- Mr. Cherepko said he is glad Mr. Segina brought that up. He said there was \$10,000 allocated out of CD because Mr. Brewster chose to maximize the CD Budget. He said all it was was more of a rob Peter to pay Paul. He said there was money there too and the City Administrator was doing some ... part of his job was based on CD but the bottom line was that he made \$67,000. He said it could have been paid all \$67,000 or \$30,000 and \$37,000 or whatever. He said the bottom line is that
- Mr. Segina said the Home Rule Charter exclusively states ... the Ordinance amending the Home Rule Charter exclusively states 5% more than the Administrator's Salary. He said his salary was \$57,000. He said he was given \$10,000 from the Community Development Department for the duties he performed over there. He said the 5% ... he was still within the 5% of the Mayor's salary and the Administrator's salary.
- Mr. Cherepko said the person that held the City Administrator's position, in his opinion, they would look at what he made at the end of the year. He said would Mr. Dice like to comment on that.
- Mr. Dice said what was the W-2.
- Mr. Pittman said it was \$67,000.
- Mr. Dice said was the W-2 given to him by the City of McKeesport. He said he doesn't know how they would argue

that he made anything shorter. He said he got taxed on \$67,000.

- Mr. Segina said Mr. Dice doesn't understand. He said his Administrative Salary ... why do they laugh when he speaks, this is not a funny matter to him or to anyone else.
- Mr. McCall said he is going around in circles....
- Mr. Segina said let me speak then.
- Mr. McCall said no.
- Mr. Cherepko said go ahead and talk, he thinks Mr. Dice understood.
- Mr. Segina said if he has \$67,000 on his W-2 fine but in the Ordinance itself it says that the Administrative Salary, that the Mayor's Salary is based on 5% above the Administrative Salary, and that is what the Mayor should get. He said in all those years, the Mayor refused to take any kind of a raise. He said his salary remained at \$57,000 during that time. He said except he got \$10,000 more from the Community Development Department. He said that amounted to \$67,000 however, it specifically says in the Ordinance Administrator's Salary, not Community Development Administrator's salary.
- Mr. Dice said did he get a separate W-2 from the Community Development.
- Mr. Cherepko said it is pretty....
- Mr. Malinchak said the Ordinance also says
- Mr. Segina said that has nothing to do with it.
- Mr. Malinchak said the Ordinance also says City Administrator/Financial Director and he asked Mr. Pittman if he ever received one cent for being Financial Director and he never did. He said being very stringent with the Ordinance, going along with Mr. Segina's argument, it should be based

on his City Administrator/Financial Director salary ... it doesn't say a word about his staff assistant or assistant manager or whatever title it is in CD.

- Mr. Cherepko said Mr. Dice, just to conclude this, he is going to ask him if he believes that it should go on his W-2.
- Mr. Dice said he doesn't see how anybody
- Mr. Segina said all his stuff goes under W-2.
- Mr. Dice said he can appreciate that they can say it comes from different sources but the fact remains is that his salary that he paid tax on and that the IRS is looking at shows one W-2, not 2 or 3 from different departments as if it were different places that it could come from. He said he has a W-2 from the City of McKeesport for \$67,000. He said he doesn't know how they can say it just happened to come from another department so it doesn't count towards his salary. He said he paid tax on it as if it was from the City. He said it would be hard to make that argument.
- Mr. Segina said in that case then the Mayor's salary should have been 5% over the \$67,000 which it was not. He said it remained within the parameters of the 5% over the Administrator's salary and was \$60,000. He said it was good that he did not take the raise because he knew they were in financial straits but by the same token, he can't go back now eight years later and say he wants this money that he was supposed to get. He said could Mr. Dice render a decision on this within five working days so they can get this over with after looking over the Home Rule Charter and the Ordinance.
- Mr. Cherepko said he has now heard what he needs to hear and is going to ask for a motion.
- Mr. Tedesco said he does not believe there was ever an agreement between the previous Councils and the former Mayor to defer his salary. He said there was a memo signed by Mr. McCall and Mr. McLaughlin of his intent but he does

not believe that memo was signed until December of 2009. He said now if he was owed that money and they are talking about that ordinance, every year they passed that budget ... that is an ordinance. He said that supersedes the previous ordinance. He said in those budgets, he took \$60,000. He said that supersedes any other Ordinance. He said that was his salary.

- Mr. Segina said Mr. Cherepko would you agree to the fact that if he can do this within five working days and come back with a decision would that be soon enough for him.
- Mr. Cherepko said he will be honest, they meet next month. He said he is going to ask for a motion to pull it off the table. He said he heard what he needed to hear, it is the W-2s and that is what you go on. He said this is an attorney hired and recommended by the Mayor and giving his legal opinion. He said it was in the budget and was actually a larger budget than this to be quite honest. He said he would like a motion to remove it from the Table so they can vote on it.
- Mr. Segina said it was put in the budget with that increase.

MOTION: **Mr. McCall moved, seconded by Ms. Diggs, "To remove Bill #152 from the Table."**

COMMENTS:

- Ms. Walker said she has thought a lot about this particular Bill #152 and she does think the past Mayor deserves the money and that he did refuse the raise. She said that is just the kind of man he is. She said she does want to get the legal opinion on whether they can legally give him the money even though he refused the raise. She said she does want that and wants it in writing. She said she said that last night. She said she wants Mr. Dice to have the opportunity to give his legal opinion on it and wants it in writing. She said she is going to vote NO on this because she wants the legal opinion from this

Solicitor that was appointed tonight and doesn't think it is fair to do it in a few minutes. She said she would like to take five days and get something in writing.

- Mr. Segina said he thinks it is fair to put it in writing so when a future Mayor comes along and tries to do the same thing.
- Ms. Walker said she agrees. She said she wanted to put that out there why she is going to vote NO.
- Mr. Cherepko said so she wants to have it in writing. He said do they need to call a special meeting.
- Mr. Tedesco said they already have a motion so they have to vote.
- Mr. Cherepko said if this does not go through and since they already passed this on Ordinance, and he gets his legal opinion in five days, can they go ahead and issue a check.
- Mr. Dice said if the facts are as he stated and it was provided for in the budget and he agrees with his position after they review it, then yes.
- Mr. Segina said he will accept that position, whatever his legal opinion, that is what they are asking for. He said however, he thinks they should amend the Ordinance and make sure it does not happen again if that is the case.
- Mr. Dice said right now they have a motion and second to remove it from the Table so that is ripe for a vote.

RC-5 YEAS: CHEREPKO, McCALL, DIGGS 3
 NAYS: WALKER, TEDESCO, SEGINA 3

Bill #152 will remain on the Table.

- Mr. McCall said he thinks the President of Council should give Mr. Dice the facts.

- Mr. Malinchak said he would like to send him information.
- Mr. Dice said he may send him anything.
- Mr. Segina said he thinks the City Administrator should send him the facts.

NEW BUSINESS:

ORDINANCE #11-11 – BILL #162: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPOINTING KRATZENBERG & ASSOCIATES, INC., A PENNSYLVANIA CORPORATION d/b/a KEYSTONE COLLECTIONS GROUP AS THE LOCAL SERVICES TAX (“LST”) COLLECTOR AND SHALL COLLECT SAID TAX EFFECTIVE JANUARY 1, 2012, IN ACCORDANCE WITH PREVIOUSLY ADOPTED ORDINANCES, RULES AND REGULATIONS.

MOTION: Mr. Tedesco moved, seconded by Mr. Cherepko, “To adopt Bill #162.”

RC-6 YEAS: WALKER, CHEREPKO, TEDESCO, SEGINA,
McCALL, DIGGS 6

NAYS: NONE 0

RESOLUTION #2011-44 – BILL #163: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN ACCESS AGREEMENT WITH COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC, FOR RIGHT OF ENTRY TO CITY HALL LOCATED AT 500 FIFTH AVENUE, McKEESPORT, PA.

MOTION: Mr. Segina moved, seconded by Mr. Tedesco, “To adopt Bill #163.”

- Mr. Cherepko said this is approving the Resolution because it is back dating the actual contract for the money that is owed to him for January and February.
- Mr. Tedesco said it does not say that and there is no end date.
- Mr. Cherepko said he already resigned.
- Mr. Segina said let me ask a couple of questions here. He said as I understand it, Mr. Elash has an office in City Hall and correct him if he is mistaken, his rent was cut in half. He said even though his rent was cut in half, he has still not paid anything to the City for the use of that office. He said can anyone reply to this. He said if that is the case, why don't they just deduct this from the money that they owe him so the City becomes whole.
- Mr. Cherepko said that is something to look into.
- Mr. McCall said that is a different matter if that is true, but he doesn't know. He said that is a different matter than what they are doing here.
- Mr. Segina said he would like to make sure the City gets their money before they give him his money. He said it is a two way street.
- Mr. McCall said they don't know that.
- Mr. Cherepko said they don't know that.
- Mr. Segina said is there anyone here that knows. He said Mayor do you know or does Mr. Pittman.
- Mr. Cherepko said he thinks that would be a personnel issue.
- Mr. Segina said it is not a personnel issue.
- Mr. Tedesco said it is a rental property issue.

- Mr. McCall said it is a rental property issue.
- Mr. Cherepko said they are talking about a person who was an employee.
- Mr. McCall said he is with another attorney up there if he is not mistaken.
- Mr. Segina said no he is not.
- Mr. Cherepko said he does not even think he has an entranceway to the hallway.
- Mr. Segina said he has an office upstairs. He said Mr. Pittman does he have an office up there.
- Mr. Pittman said he believes Mr. Elash and Mr. Gobel share space on the third floor.
- Mr. Cherepko said he doesn't believe Mr. Elash even has an entrance to the hallway.
- Mr. Pittman said he thinks they use a common door.
- Mr. Segina said then he will ask this plain and simple, does he owe rent to the City of McKeesport.
- Mr. McCall said I don't think. He said they are dealing with one thing here. He said they are dealing with this resolution, nothing about the rent.
- Mr. Cherepko said he is sure Mr. Pittman and the Mayor will check
- Mr. McCall said this is what Mr. Segina is doing ... he is going off on another tangent....
- Mr. Segina said he thinks he just mentioned the fact that why are they paying him money if he owes them money. He said that is the only question he has.

- Mr. Cherepko said he is bringing up something ... it is something that needs to be addressed to the Mayor and Mr. Pittman. He said he is concerned with the fact that once again they hired a new solicitor today as a compromise for the best interest of the City of McKeesport and they are looking to move forward. He said they need to get this all taken care of. He said that money is owed to him
- Mr. Segina said Mr. Cherepko ... let me ask you one question ... can you please explain what the resolution is comprised of. He said he just wants to know for his own interest.
- Mr. Cherepko said this is a contract
- Mr. Segina said he thought this was a resolution hiring him as Special Counsel.
- Mr. Cherepko said no, no sir.
- Mr. Segina said what is it for now.
- Mr. Cherepko said this is to pay him for when he was hired for January and February then he resigned at the beginning of March and he never received a paycheck for services rendered.
- Mr. Tedesco said that is not what this resolution says.
- Mr. Dice said is he correct in assuming that what is owed him is for January and February and that the essence of what they are trying to do now is to pay him for that period which would amount to two times his monthly retainer.
- Mr. Cherepko said yes, his retainer was just everything. He said he was not billing by the hour.
- Mr. Dice said what the document does is it creates a relationship per year but is terminable at a thirty day notice which he understands has already taken place. He said he thinks the motion should be to pay him for his monthly retainers for the months of January and February.

- RC-9** YEAS: WALKER, CHEREPKO, SEGINA, McCALL,
DIGGS 6
- NAYS: TEDESCO..... 1

- 41 -

MOTION: Mr. Tedesco moved, seconded by Ms. Diggs, "To adopt Bill #165."

- Mr. Segina said welcome to the family Mr. Dice.
- Mr. Dice said he would like to thank them.
- Mr. Pittman said baptism under fire.
- Mr. Dice said he would like to introduce Craig Alexander from his firm. He said he is here also. He said as he mentioned before he kind of mirrors him from time to time.
- Mr. Pittman said Sherry Ward from Weed and Seed and Jim Brown from Recreation were not here tonight and there is a program that they are going to be able to offer in the City. He said time being of the essence and if Mr. Fred Lewis could join them up here. He said there was a time he was not bashful under those lights. He said just for the sake of argument he would like Fred to introduce himself and give them his address please.
- Fred Lewis said good afternoon. He said he is from McKeesport, born and raised. He said he has been here for many years and went off to play professional basketball and now he has come back home to try to bring his services back to the community in whichever way they might want to use him. He said he is available for them. He said his address is 2305 Bridge Street in McKeesport and he wants to try to do some camps for the kids after school is out which is June 13. He said they want to try to help them in the morning with classes to help them be respectful to people, help them with

sportsmanship and in the evenings they are going to let them play games. He said they are going to try to hold some basketball tournaments for them as well. He said they are going to try to use the facilities at Crawford Village, Renzie Park and Harrison Village. He said he hopes they all know who he is. He said he will be here for them.

- Mr. Segina said does Mr. Lewis have any experience?
- Mr. Lewis said not too much experience – only about 50 years.
- Ms. Diggs said she thinks she has the exposure.
- Mr. Segina said Freddie and he played basketball at Centennial grade school together. He said Freddie was smaller than him then, but he has grown since.
- Mr. McCall said did Mr. Segina cry back then.
- Mr. Lewis said no, he was a good basketball player.
- Mr. Segina said he picked him all the time.
- Mr. Pittman said a couple of other points if he may, the age group they are going to work with is
- Mr. Lewis said he would like to try to work with as young as he can but not babysit. He said he will go as young as 8 or 9 years old and up through 14 years old. He said if he can get some entry blanks out to the schools or whatever through Jim Brown and the Boys Club and the Salvation Army he will do that so kids can come in and sign up, he will do that. He said he is hoping to have in the neighborhood of 150 to 200 kids. He said he was also in Washington DC where his mother resides now and has some friends there who are still in sports and they informed him that they are trying to do the same thing there as he is here. He said they would like to bring some of the kids from there to McKeesport at their own expense to help with our kids, mingle with our kids and show

their support and play games and stuff with them. He said that would be around the Community Days which would be July 8 around Grant Field. He said they are hoping to have some kids from all around come to mingle with the kids. He said hopefully this will happen.

- Mayor McLaughlin said he mentioned three different places where this will take place. He said are they going to do this on the same nights?
- Mr. Lewis said no. He said they are going to go from Monday through Thursday. He said on Holiday weekends he would like to have some kind of activity so the parents can bring the kids out in Crawford and in Harrison. He said they will have Monday at Crawford, Tuesday at Boys Club and Wednesday at Harrison. He said he thinks they may be able to do something at the Salvation Army also. He said they will be doing four days. He said they will be doing two hours in the morning on different days in different places for the teaching and then the basketball will be two and a half hours in the evening.
- Mayor McLaughlin said is Gerald Grayson involved with this.
- Mr. Lewis said yes, Puddin Grayson is involved.
- Mayor McLaughlin said he didn't want to say Puddin'.
- Mr. Lewis said that is what we know him by. He said he is going to try to help out with this. He said he is also going to get Marty to help out.
- Mayor McLaughlin said all Marty is going to do is bring a whistle.
- Mr. Lewis said well he will be good at that. He said hopefully they will have a few other volunteers. He said he is looking forward to starting up something here in the community that will help these kids get off the streets. He said it just saddens his heart to see what is going on here someplace that he has

been almost all his life and see the things that are going on. He said he commends the Police Department here for doing such a great job and they do the best they can do but it just saddens him to know the things that are going on and that these things are going on with these kids around here. He said he is putting his neck out there trying to help do whatever he can do. He said he is one of the first to say that if they need him for anything, please call him and he will be there for them.

- Mayor McLaughlin said thank you.
- Mr. Pittman said ten weeks Fred from June 13 through International Village.
- Mr. Lewis said yes, from June 13 to International Village, four days a week.
- Ms. Walker said is this open to any kid in McKeesport.
- Mr. Lewis said yes, he wants girls and boys. He said it is not just for the boys, he wants girls too.
- Mayor McLaughlin said is he going to intermingle the girls and the boys or is he going to do them separately.
- Mr. Lewis said once they get there, they will probably intermingle them but they will just see how it works out.
- Mr. Cherepko said he ran a program years back and it was not just basketball but that was a good age. He said it was 9 – 16 and they really did not have many 15 or 16 year olds so it was more eight to fourteen year olds. He said it is a shame that it was stopped. He said it was a National Youth Sports Program and it was throughout the entire country and they ran theirs through Penn State McKeesport. He said they had over 300 kids every summer. He said it ran for six weeks. He said at that age with the boys and girls they can be put together and it is not a problem.

- Mr. Lewis said it is not a problem.
- Mr. Cherepko said let him know if there is anything he needs, he would like to get involved with that.
- Mr. Lewis said he thinks they are going to enjoy it an awful lot because it will be something for them to do and just like Dennis and he had talked about it and Jim Brown, they wanted to try and get them out in the mornings to get them away from home. He said they are going to let them go at lunch time so they don't have to feed them and they can go home.
- Mr. Cherepko said if they get the registration forms it would be a good idea if they could hurry them up and get them out before school lets out. He said they are done next Wednesday, a week from today.
- Mr. Lewis said Tim and he are going to get them together probably tomorrow and will get them out.
- Mr. Cherepko said he is up at Centennial, he teaches there so if he can get them up there, he will make sure they get them out to everyone.
- Mr. Lewis said he will be up there.
- Mr. Pittman said thank you Mr. Lewis.
- Ms. Walker said did he say this was funded by the Weed and Seed.
- Mr. Cherepko called for the Controller's Report from Mr. Malinchak.

CONTROLLER'S REPORT:

- Mr. Malinchak said thank you Mr. President. He said over the past several years he has attempted without any success to bring to the attention to Council and the previous Mayor that

they should go out for a statement of qualifications for the health insurance broker. He said he thinks one time Mr. Pittman was directed by the Mayor to go out and prepare a Statement of Qualifications RFQ and he only found out after following up the next day that he was counterdirected not to go out. He said the premium runs about \$1.8 million right now and it was as high as \$2 million. He said here is exactly what happened. He said because no one was paying attention and it slipped right under the radar. He said in the year 2006, they were paying 1.75% fee and that amounted to \$31,500.00. He said in the year 2007, it was kicked up from 1.75% to 3.0% so the fee went up to \$54,000.00. He said within the last three or four months Mr. Pittman responded to his numerous requests and he learned that the fee for year 2011 is now 3.5% so the fee they are paying is \$63,000, or \$9,000 more than they were paying the previous year. He said again, he cannot understand why this Council under the Mayor's recommendation will not go out for a Statement of Qualifications Quotation for Insurance, Health, Life Broker. He said they are talking about the \$5,000 that is needed for an investigation but \$9,000 went up here and no one knew about it. He said the other question he had with all due respect Mr. Pittman and he doesn't wish to put him on the spot, and it is not his intention, but how can they go out and negotiate an increase in fees from 3.0% to 3.5% which is a 16% increase without the involvement of Council.

- Mr. Pittman said if he could address two issues Mr. Controller. He said the first number that he quoted is correct but it was only for a six month period. He said he may recall that their premiums used to originate every July 1 and that was a significant problem for him to do budgeting when he had no way to capture any increase that would come in mid-year. He said that increase was really six months and then subsequent charges of 3%. He said the increase that he described from 3.0% to 3.5% was in large measure predicated on the service that was provided by the broker and the

broker happened to be First Commonwealth Bank. He said as Mr. Malinchak has aptly noted, the premium was around \$2 million the previous year and through the work of their agent, they were able to work through Highmark and get a reduction in their premiums and saved \$181,000. He said that \$181,000 if it remained at 3.0% and he is correct would have reduced their premium. He said that would mean that the work they did actually did not get rewarded but they got penalized. He said in their discussions based on the \$181,000 savings, they believed that the 1/2% increase, the \$9,000 that he is referring to is more than well earned by the \$181,000 they saved in premiums. He said their premiums unlike most payers actually went down, not just communities but the private sector. He said theirs went down because of the work of First Commonwealth.

- Mr. Malinchak said but how do you justify without the consent of and knowledge of Council of negotiating an agreement with them from 3.0% to 3.5%. He said the reasons why they got it he understands but how can he do that. He said that is an expenditure that they put on this City of another \$9,000. He said unless he is misinformed, he doesn't think anyone from Council knows this.
- Mr. Pittman said that fee was included in the premium quote that came in the budget in October or November 2010 for 2011.
- Mr. Malinchak said the quote was for the 2011.
- Mr. Pittman said it was included in the premium fee.
- Mr. Malinchak said but there was no action taken by this Council.
- Mr. Segina said would Mr. Malinchak be amenable to the fact that they would go out to bid on this

- Mr. Malinchak said exactly.
- Mr. Segina said RFQs.
- Mr. Malinchak said the way they do it Mr. Segina is it is a Statement of Qualifications in his opinion. He said they do this in the Engineering Field frequently. He said everyone says here is what I can do and here are my qualifications, please consider me. He said then they give their track record. He said they ask for a Statement of Qualification, are they qualified to be a Broker to provide Health Insurance to the City of McKeesport. He said they will send a He said in Engineering they do this frequently. He said then they look at the shopping list and the firm they are with right now might come out to be the best deal in town and they go on. He said he thinks it is prudent, and under due diligence, they should be looking at competitive situations.
- Mr. Segina said Mr. Dice are they compelled to ask for bids on going at the Healthcare premiums for ... or is this a decision that the Administration makes on its own. He said they have never been party to this decision, that is for sure.
- Mr. Dice said he understands. He said one of the things ... you can ... on the areas like Solicitors and Engineers and Insurance Brokers, all of those things are not required to go out to public bid. He said he understands what Ray is saying. He said they can if they want to but they are not required to do that, to go out for public bids on any of that. He said you can though.
- Mr. Malinchak said the argument he used before is that that he is absolutely correct, for professional and unique services there is no need to go out for bids, they indicate insurance but the argument he had with the previous Solicitor was that it was it was silent on Insurance Broker. He said they should go out for bids on the

Broker and then the Broker goes out and buys the insurance. He said that is a little bit different distinction there. He said of course he did not agree with him.

- Mayor McLaughlin said didn't they have that Broker in here from First Commonwealth and he explained all that to Ray that even if they did go out for bid it would be a percentage here or there. He said isn't that what he said.
- Mr. Malinchak said Mr. Mayor it went up \$9,000 and he can't dispute that but he is saying it behooves them to try to establish a competitive situation.
- Mayor McLaughlin said he understands what Ray is saying but maybe it went up \$9,000 because maybe last year they only had 10 people go to the hospital emergency room and this year they had 50 go. He said that is how they base their rates.
- Mr. Malinchak said he is talking apples and oranges. He said he is talking about the premiums affected by the amount of activity.
- Mayor McLaughlin said everyone talks apples and oranges.
- Mr. Cherepko said does Mr. Malinchak have something else. He said he has made his point.
- Mr. Malinchak said but Mr. Segina was the one that was so concerned about \$5,000 and there is \$9,000 right here.
- Mr. Cherepko said Mr. Malinchak, Mr. Malinchak.
- Mr. Segina said he is concerned.
- Mr. Cherepko said please, just let's go on. He said you have made your point, let's go on what is next.

- Mr. Malinchak said he had a question sir.
- Mr. Segina said no he had an answer.
- Mr. Malinchak said also too he checked back on their invoices and found an interesting situation here. He said between 2009 and 2010, the amount of money they spent on tires went up 33%. He said they went from \$62,393 to \$82,546. He said that is a 32% increase. He said he knows that the response would be hey Mr. Controller don't you understand that the cost of energy and everything has gone up. He said he went and got the statistics from the Bureau of Labor and found out that the index for tires from the year 2007 to the year 2011 went up 25 points. He said in the period that he said from 2009 to 2010, it only went up 3%. He said so obviously Mr. Business Manager, he is going to be doing a tire count. He said he just can't understand why it went up \$20,000 from 2009 to 2010.
- Mr. Cherepko said they needed a lot of tires.
- Mr. Malinchak said he knows they always have front end alignment problems and he understands that and heard it before. He said the other item he would like to bring up deals with the information that he got from Mr. Pittman with respect to the Sanitation Contract. He said he doesn't know how current the information is so he did a little extrapolating. He said they have \$0 for this month and he put in \$132,000 for this month which is exceptionally high for a monthly bill. He said as a result of putting \$132,000 in, the total expenses to date for this month is \$350,000 for this year. He said at this time last year, they had \$450,000. He said that is interesting, it is \$100,000 difference.
- Mr. Malinchak said he recommends to Council that they approve the payment of bills in the amount of \$17,813.58.

MOTION: **Mr. Segina moved, seconded by Mr. Tedesco,
"To approve payment of the bills in the
amount of \$17,813.58."**

RC-11 YEAS: WALKER, CHEREPKO, TEDESCO, SEGINA,
 McCALL, DIGGS 6

 NAYS: NONE 0

ADJOURNMENT:

President of Council Michael Cherepko adjourned the meeting at
8:32 p.m.

Respectfully submitted,

Patricia A. Williams
City Clerk and Clerk of Council

APPROVED:

Michael E. Cherepko
President of Council

daw